

INLAND WETLANDS COMMISSION
REGULAR MEETING
August 5, 2015

MEMBERS:

Mary Davis, Chair
Sally MacKenzie, absent
Marcia Puc, arrived 6:15 p.m.
Tracy DeBarber,
Mark Bakstis

OTHER:

Sue Goggin, Town Planner/ZEO/WEO
Wayne Zirolli, Borough Engineer
Lori Rotella, Assistant ZEO
Public - 0

Mary Davis called the Show Cause Hearing to order at 6:01 P.M. She noted there was a quorum.

SHOW CAUSE HEARING

5:30 P.M. Continued Show Cause Hearing for activities within the 100 foot wetland and watercourse Upland Review Area at 106 Bowman Drive.

Mary Davis asked Louise Gertz if she has continued any of the work and Louise said she did not. She was waiting to hear from the commission after the hearing of what she can do. Mary suggested she do the work in phases. Mary asked for Wayne Zirolli's opinion on what should be done first. Wayne thought that the embankment should be stabilized first. Mary Davis wants to see the work done in the following phases: Phase I – Clean up. 1) Flag the 100' setback area. 2) Spread existing wood chips along the top of the embankment. 3) Clean up vines, etc. that has already been cut and is on ground now. 4) Clean up and split wood and move the wood to the top of the hill to the existing wood pile. Phase II – Plantings. 1) Plant gardens and fruit trees. 2) Erect a split rail fence. Susan Goggin will let Louise know if she needs a permit for the fence. Mary would like Wayne and Susan to do inspections to see how the work is progressing. There was no public comment.

Show Cause Hearing continued to September 2, 2015 at 6:00 P.M.

Meeting recessed at 6:12 P.M.

Meeting resumed at 6:17 P.M.

PUBLIC HEARING AGENDA

Mary Davis called the Public Hearing to order at 7:35 P.M. She noted there was a quorum.

6:30 P.M. PUBLIC HEARING – Public Hearing for activities considered significant associated with (IW#15-04) for proposed construction of a fitness facility within a 100' Upland Review Area, 1188 New Haven Road, Applicant: Haynes Development

Attorney Kevin McSherry 38 Fairview Avenue, Naugatuck for Haynes Development forwarded the certified mailing receipts to Susan Goggin. Mary Davis explained how the Public Hearing will be run. Attorney Kevin McSherry gave a history of where the property to be developed is located, what previous businesses were located there and who

owned them. The engineers on the project responded quickly to Wayne Zirolli and Southwest Conservation's comments. The Commission did a site walk on June 10, 2015 at 6:00 p.m. Soil Scientist James Cowen prepared an extensive report of the storm drainage which has been submitted and revised based on Wayne Zirolli's comments. Kyle Bogardus with Langan Engineering showed on the map where on New Haven Road the parcels are located. Kyle had pictures of the existing parcels that need re-development. Some of the problems with the property is the poor drainage, asphalt and over all appearance of the site. Kyle pointed out on the map where the proposed 17,000 square foot building will be constructed. The map also shows the landscaping and landscape buffering. Access to the site will remain consistent with what it is today. They hope to be revamping the building where Planet Fitness is currently located at some point in the future. Kyle explained all the plans for the storm water management, which had revisions from the original plan based on comments from the site walk and Wayne Zirolli. Kyle also went over the soil erosion and sediment control plan which had revisions from the original plan based on Southwest Conservation's comments. James Cowen, Soil Scientist, was responsible for delineating the wetlands. James explained what types of soils are in the area based on soil test pits. There were no alluvial soils found in his investigation. He conducted a detailed assessment of the area. He described what was found on the site. James went over his report with the commission and showed on the map where the disturbance is located. His report also lists the species found in the wetlands. James explained the two proposed systems to be installed and also explained the functions of a storm water basin. He also went over the impact on the wetlands and the landscape plan. They are proposing to remove the pavement there now, have a biologist identify all invasive species, selectively remove the invasive plants and then finish with extensive plantings. Mary Davis asked how would they remove invasive species in that area. James explained that with woody invasive species, they cut it at the base and then paint the stump with appropriate herbicide. He went into detail on how to remove invasive species and said he will also be submitting a detailed plan to the commission. Mary Davis had a concern that the proposed building is only 20' from the brook and would like to see the building moved back away from the wetlands. Kyle stated that he did make the building a little narrower to try and reduce the footprint a little. Mary would like to see them move the building further from the brook. Tracy DeBarber asked what their objection to moving the building is. Kyle responded that it could reduce further development of this property. Mary would like to see them move it at least another 10' from the brook. Kyle is comfortable with an additional 10' at the corner of the building. Mark Bakstis asked if the reason the building is located in the upland review area is for future development of site. Mary wants the building as far back as they can get it. Tom Haynes explained it would be an issue to push back the building because it would make it hard to develop more of the site in the future. They are trying to keep the disturbance of the wetlands to a minimal. They did consolidate on the parking to minimize the disturbance. Tracy suggested they pivot the building a little. Mary would like them to move back the corner of the building and come back in with a new map. Kyle said he could commit to moving the building an additional 10 feet. Mary would like to see 15 – 20 feet. Mary Davis opened up for public comment. There wasn't any public comment. Kevin McSherry will prepare a best practice for herbicide for the commission.

Public Hearing continued until September 2, 2015 at 6:30 p.m.

Meeting recessed at 8:55 P.M.

Meeting resumed at 9:05 P.M.

REGULAR MEETING

1. Mary Davis called this meeting to order at 9:05 P.M. She noted there was a quorum. She opened the meeting with the Pledge of Allegiance.
2. Executive session with Borough Attorney regarding litigation between Views at Long Meadow Brook, LLC vs The Naugatuck Inland Wetland Commissions on Lots W-12 & W-13 on Rubber Avenue.

VOTED: Unanimously on a motion by Tracy DeBarber and seconded by Marcia Puc to go into executive session at 6:30 P.M.

VOTED: Unanimously on a motion by Marcia Puc and seconded by Tracy DeBarber to come out of executive session at 7:35 P.M.

3. Public comment
There was no public comment. No public present.

4. **OLD BUSINESS**

- A. Long Meadow Pond Brook ERT Study

There is no new information. Mary Davis believes the town will be receiving ownership of the Armory. She thinks that will help with the flooding. Wayne Zirolli said we have not heard of any solid commitments regarding this property yet. Once we do hear something he thinks we should schedule a meeting to see how to proceed.

- B. Commission discussion regarding an existing Commercial Outdoor Automobile Storage (IW#14-01) located at the Risdon Property, Arch Street, Scott Road, Andrew Avenue and Rubber Avenue; Applicant: A Better Way Wholesale Auto.

Susan Goggin and Wayne Zirolli drove by the site today, everything looks good.

- C. Commission discussion/decision regarding application for proposed construction of 17,000 square foot fitness facility within the 100' Upland Review Area at 1188 New Haven Road (IW#15-04), Applicant: Haynes Development

No discussion at this time.

- D. Commission discussion/decision regarding significance of activities for proposed construction of 42,600 square foot building and parking lot on Lots 18 & 30 Raykwich Road (IW#15-05), Applicant: A Better Way Auto

Kevin McSherry said he was there representing A Better Way Auto. Mike Lambert redesigned the plan answering some of the questions the commission had and also reducing the amount of material coming off of the property from approximately 70,000 cubic yards to about 8,000 cubic yards. They also significantly shrunk the parking area. Mike Lambert,

Civil Engineer with Harry E. Cole and Son, 876 South Main Street, Plantsville, CT. Mike went over his new site plan and the changes he made based on the site walk and Wayne's comments. He described the new drainage system and where it will be located on the site. The new plan significantly reduces the flow off site. The parking has been reduced from 980 parking spaces to 805 spaces. This has shrunk down and limited the amount of disturbance. Mark Bakstis asked if the drawing reflects Wayne Zirolli's comments from July 7th. Mike replied it does. Mark noted that Wayne commented that all areas should be paved but you have some areas not paved. Mike explained customer parking would be paved. They are trying to keep cost down by not paving all areas and use gravel in part of the parking lot. Mark noted that the parking will be used as a used car lot and he is concerned with possible leaks. Mike explained that they will also have to go through DEEP and the Department of Motor Vehicle. They might have to put down a bio mat under the gravel. Mark wanted to clarify that the proposed design is not complete for the commission's purposes. Mark's concern is the proximity to the wet lands. Wayne Zirolli made comments based on the PDD8 which required all development be paved and curbed. Mary explained Mark's concerns with oil and gas leaking out of cars. If it is not paved, it could go into the soil. Kevin understands that Mike will have to have answers on proposed oil separators and how they work. Mary suggests we send this up to Southwest Conservation for their comments on the project. Kevin said they are willing to do anything that could make this a better plan. Mary wanted an explanation on the new map and why the entrance has been changed. Mary likes the new entrance and the fact that it is moved away from a pocket of wetlands. She feels this is a very big improvement. Mary feels it is a good idea to have a Public Hearing due to the amount of wetlands in this area. Mary questioned if they stopped cutting down the trees because they are done with cutting everything or because they were told to stop. Kevin McSherry explained that by condensing the site they also moved away from the wetlands.

VOTED: Unanimously on a motion by Marcia Puc and seconded by Tracy DeBarber that IW# 15-05 applicant: A Better Way Auto, Lots 18 & 30 Raytkwich Road is considered a significant activity.

Public Hearing set for September 2, 2015 at 7:00 P.M.

- E. Commission discussion regarding results of water quality testing at Naugatuck High School (IW#12-04).

Mary Davis read the report and noted everything is up to date, no zinc, pesticides, herbicides, etc. She asked if they put any chemicals on the field. Wayne Zirolli stated they use nothing artificial on the turf; they wash it down with water. Mary asked about the maintenance of the turf. Wayne explained a machine like a street sweeper brushes the fibers. Susan Goggin will ask the street department for information regarding the cleaning of the turf. There will be one more report in November 2015 and then they will be receiving yearly reports starting in May 2016.

5. **NEW BUSINESS**

- A. Commission discussion/decision regarding application for gas station with convenience store with two additional retail stores at 1198, 1202 & 1204 New Haven Road (IW#15-06), Applicant: HZM Petroleum Corp.

Mike H. Horbal, Registered Land Surveyor with an office at 53 Main Street, Seymour, CT. He is here with Edward Leavy, Professional Engineer. They represent HZM Petroleum Products and Mr. Ahmed, principal of HZM. He explained the location of the 3 parcels and the total acreage of 1.67 acres. Mike went over the site plan describing the building and potential tenant on one side. There will be city sewer and a pumping station. Mike also went over the storm drainage system they will be using. There is no development currently on the site except for a slab from the former building. Mary confirmed all fees were paid and the taxes are paid. Mary asked for an answer to item # 2 on the application, applicant's interest in the property? Susan Goggin said the answer is owner. Edward Leavy, Professional Engineer in the State of Connecticut, explained the parcels are 160 feet away from wetlands. Tests have been done and the soil drains very well. The storm water drainage system was calculated using the 100 year storm. Mike turned in soil reports stating there is not wetland soils on the property. He received Wayne Zirolli's concerns and recommendations. He has not revised his plans yet because he is still waiting for comments and questions from the other town boards and commissions. He will address everything at once after he receives all of the comments. Mary Davis asked how many pumps will be at the gas station. Mike said 6 pumps. Mary mentioned that Wayne's comments clarify that it is near an aquifer protection zone, although not a wetland it is a big concern. There will be grooved concrete all around the pumps for any spillage. If there is a spill, it will be cleaned immediately. Mike showed the commission the architect's renderings. Mary asked if they will be moving the soil around. Mike showed where the retaining walls will be and where they will be filling up the front 2/3 of the site because it is below grade where the building will be going. Ed explained the site slopes down from New Haven Road and will still slope gently when they are done. Mike said they will be bringing in 8,600 yards of fill. Susan Goggin explained that bringing in this amount of material will require a special permit and that will require a public hearing through zoning. Tracy DeBarber does not feel it is significant for the wetlands purposes. Marcia Puc agrees with Tracy. Mark Bakstis asked Wayne Zirolli where the aquifer protection zone is located. Wayne said that it is just west of Clark Hill Road. Mary asked also how far we are away from the aquifer protection zoning. Wayne said more than 1,000 feet away. This property is more than 500 feet away from Beacon Brook. Mark does not feel this is a significant activity.

VOTED: Unanimously on a motion by Tracy DeBarber and seconded by Marcia Puc that IW #15-06 applicant HZM Petroleum regarding a gas station with convenience store with two additional retail stores at 1198, 1202 & 1204 New Haven Road is not a significant activity.

Continued until September 9, 2015 meeting.

- A. Commission discussion/decision regarding application for construction of expanded loading dock within the 100' Upland Review Area at 1372 New Haven Road (IW #15-07), Applicant: Sperry Automatics Co., Inc.

Attorney Michael McVerry with an office at 35 Porter Avenue, Naugatuck, explained that this is a manufacturing company and it was built in 1970. Charles Pugliese is the owner and president of the company. When it was built, one half to two thirds of the building is in the upland review area. They would like to extend and enclose the loading dock by an additional 34' X 22 ½'. The parking lot is already paved. When the doors open for deliveries, especially in the winter, too much cold air gets into the building. With the new proposal they will be able to close the building, deliver the materials and then close the outside doors when moving the materials into the building. The only excavation will be for the frost footings. Mary Davis asked what types of materials are delivered to the facility. Charles said raw materials, brass, steel, stainless steel. Mary Davis asked Wayne Zirolli for a report. Wayne does not have a report at this time. Mary confirmed there will be no regrading of this site. Mary said she does not see any major disturbance to anything with this project. Mary asked if they would be storing anything that is contaminated there. Charles said no. Mark Bakstis asked will you have any drain leaders off of the building. Mark and Mary would like Wayne to review and have a report for the next meeting.

VOTED: Unanimously on a motion by Marcia Puc and seconded by Mark Bakstis that IW #15-07 be declared not a significant impact.

Continued until September 9, 2015 meeting.

- B. Additional items require a 2/3 vote of the Commission.

No additional items.

6. **CORRESPONDENCE**

CACIWC newsletter was handed out.

7. **WEO REPORT**

- A. Autohaus Property, 393 Rubber Avenue (IW #08-08)

Susan Goggin sent a letter to Autohaus requesting an update on how they are progressing with items left to be done and that the Wetlands Commission wants the trailer on the side of the building removed. Susan also invited Autohaus to the meeting tonight. She has not received a response. Mary Davis would like Susan to do a friendly visit to Autohaus to see what updates have been done and if they have not started any, when will they be starting.

- B. Dmuchowski Property, 45 High Street

Susan Goggin spoke with one of the new owners of 45 High Street, Primo Enterprises - Dave Pires. Sue sent a letter requesting what his intentions were for the garage and the drainage system. He stopped in the Land Use office but Wayne was not around that day. He will be in touch with Wayne Zirolli to get his ideas on correcting the drainage problem.

C. Naugatuck HS Renovation (IW#12-04)

No new information.

D. Chemical spraying of brush by street department.

No new information. Take off the agenda.

E. Notice of violation, 714 Beacon Valley Road

Susan Goggin went to the property to inspect. Everything has been moved except for a truck. She spoke to the owner twice and explained the truck needs to be removed. The owner said the truck cannot be moved because it does not run. The owner said his tenants at 714 Beacon Valley Road are storing their tools in the truck. Mary Davis wants it moved away from the wetlands. Susan will call the owner tomorrow with the Wetland's response that the truck needs to be moved away from the wetlands. Although, it can stay on the property.

8. **Review/Approval** of the July 1, 2015 Regular Meeting Minutes.

VOTED: Unanimously on a motion by Marcia Puc and seconded by Tracy DeBarber to **APPROVE** the July 1, 2015 Meeting Minutes as amended with Mary Davis's changes.

9. **ADMINISTRATIVE BUSINESS**

There was none.

10. **ADJOURNMENT**

VOTED: Unanimously on a motion by Tracy DeBarber and seconded by Marcia Puc to **ADJOURN** the meeting at 10:30 P.M.

Respectfully Submitted,
Sally MacKenzie, Secretary /lr